

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANTHONY J. TAYLOR,

Case No. 1:17-cv-106

Plaintiff,

v.

Dlott, J.
Bowman, M.J.

POSTMASTER GENERAL
MEGAN J. BRENNAN,

Defendant.

MEMORANDUM OPINION AND ORDER

On February 14, 2017, Plaintiff filed an application to proceed *in forma pauperis* along with a complaint that generally alleged employment discrimination. (Doc. 1). On February 22, 2017, the undersigned filed a Memorandum Opinion and Order that essentially explained to Plaintiff several deficiencies in his complaint, including but not limited to the failure to submit summons forms, U.S. Marshal forms, and copies of the charge that Plaintiff had filed with the Ohio Civil Rights Commission and/or the EEOC. Although the Court granted Plaintiff leave to proceed *in forma pauperis* and directed the filing of his initial complaint, the Court also directed Plaintiff to “file an amended statement of his claim that includes basic facts, along with a copy of any notice of his right to sue.” (Doc. 2 at 3). The Court explained that the lack of detail in Plaintiff’s initial filing was insufficient:

Plaintiff has failed to attach the requisite copy, and there is no indication in the complaint that he has satisfied the prerequisites to suit. Not only does Plaintiff fail to allege whether he previously filed a charge with the OCRC and/or the EEOC, but Plaintiff’s complaint fails to provide critical details,

including whether he has been disciplined or fired by his employer and if so, on what date, and the basis for his generic claim of discrimination.

(Doc. 2 at 2).

The day after the Court filed its Order, Plaintiff tendered summons forms, U.S. Marshal forms, copies of his letters and/or discrimination charge, and a copy of the EEOC's final decision on that charge. Summons forms were tendered for the U.S. Attorney General, the U.S. Attorney for the Southern District of Ohio, and the Postmaster General. However, Plaintiff did not formally file an amended complaint.

Together, and in the interests of justice, the documents filed by Plaintiff (other than the summons and U.S. Marshal forms) will be construed as exhibits to an amended complaint. The referenced documents provide all necessary details that were lacking in Plaintiff's original complaint.

Accordingly, **IT IS ORDERED:**

1. The Clerk of Court shall re-file the original complaint form as a "First Amended Complaint" with all attachments submitted by Plaintiff on February 23, 2017 to be filed as Exhibits to the construed First Amended Complaint, excluding the tendered summons and U.S. Marshal forms;
2. The Clerk of Court shall transmit the referenced summons forms to the United States Marshal, who shall serve copies of the Amended Complaint, the summons, and this Order directing Plaintiff's exhibits to be filed with the original complaint as an amended complaint. All costs of service shall be advanced by the United States;

3. Plaintiff shall serve upon each Defendant or, if appearance has been entered by counsel, upon Defendant's attorney(s), a copy of every further pleading or other document submitted for consideration by the Court. Plaintiff shall include with the original paper to be filed with the clerk of court a certificate stating the date a true and correct copy of any document was mailed to Defendants or their counsel. Any paper received by a district judge or magistrate judge which has not been filed with the clerk or which fails to include a certificate of service will be disregarded by the Court;
4. Plaintiff shall inform the Court promptly of any changes in Plaintiff's address which may occur during the pendency of this lawsuit.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge